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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/580,816

04/11/2007

Anthony N. Kalloo

2784-45

7406

30024

7590

02/09/2009

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EXAMINER

BLATT, ERIC D

ART UNIT

PAPER NUMBER

3734

MAIL DATE

DELIVERY MODE

02/09/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/580,816	<b>Applicant(s)</b> KALLOO ET AL.	
	<b>Examiner</b> Eric Blatt	<b>Art Unit</b> 3734	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 8-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 12-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 1-14 are pending, Claims 8-11 are withdrawn.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalloo et al. (US 2001/0049497) in view of Adair (US 5,290,284).

Regarding claims 1-7 and 13, Kalloo discloses a method for ligation of a fallopian tube of a human patient comprising using an endoscope to orally access a gastric wall of a patient (Figure 6) advancing the endoscope into the peritoneal cavity through the puncture (Paragraph 6), locating and ligating the fallopian tube (Paragraph 49), removing the endoscope, and sealing the puncture (Figures 13-17). The gastric wall is punctured with a cutter coupled to a dilating balloon, wherein the balloon is inflated to provide access to the peritoneal cavity (Figures 8 and 9) after the puncturing step. Said cutter comprises a needle knife electrocautery (Paragraph 52).

Thus, Kalloo discloses all elements of claims 1-7 and 13 except for the fallopian tube being ligated using a first loop coupled to the endoscope and configured to block a patency of the fallopian tube. Adair discloses a related ligation device for ligating a fallopian tube and teaches that it was known to use a loop 20 coupled to the ligation device for blocking a patency of the fallopian tube. (Figures 10-17) It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Kalloo by using a first loop coupled to the endoscope and configured to block a patency of the fallopian tube since Adair teaches that this was a known means for tubal ligation of a fallopian tube.

Regarding claim 12, it would have been obvious to form the loop from silicone since it has been held that it is within the knowledge of one skilled in the art to form a device from a material known to be suitable for its intended purpose.

Regarding claim 14, Kalloo and Adair fail to disclose a second loop coupled to the endoscope. Adair teaches using a first loop coupled to the ligation device to ligate a first fallopian tube. It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the method of Kalloo by providing a second loop coupled to the endoscope in order to allow ligation of the second fallopian tube without requiring removal of the endoscope between the first and second tubal ligation procedures.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Blatt whose telephone number is (571)272-9735. The examiner can normally be reached on Monday-Friday, 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Manahan can be reached on 571-272-4713. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric Blatt  
571-272-9735

/Todd E Manahan/  
Supervisory Patent Examiner, Art Unit 3734